

SENATE BILL 2664  
By Harper

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 46; Title 66 and Title 67, and to enact the  
"Cemetery Consumer Rights Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as, the "Cemetery Consumer Rights Act".

SECTION 2. Tennessee Code Annotated, Title 46, is amended by inserting Sections 3 through 8 below as a new, appropriately designated chapter thereto:

SECTION 3. Any cemetery company selling a lot of land within a cemetery in this state to any consumer shall execute a deed for the conveyance of the property. The deed shall be executed in such manner as is necessary for the deed to be accepted for registration by the county clerk and shall be notarized. The deed shall be registered with the county clerk of the county in which the cemetery is located pursuant to § 66-24-101, and any cost, fee or tax for recording such deed shall be paid by the cemetery. This section shall not be construed to apply to any lot sold prior to January 1, 2007.

SECTION 4. All lots, lawn crypts, mausoleum crypts, niches, or rights of interment in the same conveyed to consumers by a cemetery company located in this state are presumed to be the sole and separate property of the owner named in the instrument of conveyance, regardless of whether or not the instrument of conveyance is a deed.

SECTION 5. Every cemetery company in this state shall maintain at all times a current map of the cemetery detailing the location of lots, lawn crypts, mausoleum crypts and niches sold to consumers. Such map shall be made available free of charge during regular business hours to any person who has purchased a lot, lawn crypt, mausoleum crypt or niche. On or

before January 15, 2008 and each year thereafter, the cemetery map shall be registered with the county clerk of the county in which the cemetery is located pursuant to § 66-24-101, and any cost, fee or tax for recording such map shall be paid by the cemetery company. The recorded map shall include notations for ownership of lots, lawn crypts, mausoleum crypts and niches current through December 31 of the previous year.

SECTION 6. Any consumer purchasing a lot of land in a cemetery located in this state shall receive from the cemetery company at the time of purchase the following:

- (a) A copy of the executed purchase contract for the lot of land which shall contain a detailed description of the location of the lot or lots purchased;
- (b) A copy of the deed required by this chapter; and
- (c) A confirmation that the deed required by this chapter has been duly registered with the county clerk.

SECTION 7. Any consumer purchasing a lawn crypt, mausoleum crypt, or niche in a cemetery located in this state or purchasing a right of interment in the same shall receive from the cemetery company at the time of purchase a copy of the executed purchase contract, which shall include a detailed description of the lawn crypts, mausoleum crypts, niches or rights of interment purchased and their locations.

SECTION 8. The provisions of this chapter are intended to supercede any contradictory provisions found elsewhere in this title.

SECTION 9. Tennessee Code Annotated, Section 66-24-101(a), is amended by inserting the following as a new, appropriately designated subdivision thereto:

- (28) All cemetery lot deeds and cemetery maps required to be registered pursuant to title 46.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect January 1, 2007, the public welfare requiring it.